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OGC 70-0613

22 April 1970

MEMORANDUM FOR: Deputy Director for Support

SUBJECT: Employee Parking

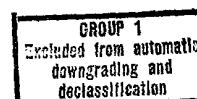
REFERENCE: Memo to DDS from D/L, dtd 13 April 1970,
Subject: Government Provided Employee
Parking

1. This memorandum is for the information of the Deputy Director for Support.

2. The referenced memorandum sets forth for your consideration the rationale for providing parking for Agency employees serving in the Rosslyn and other areas outside of Langley but in the Metropolitan Washington area. Certain legal issues may be identified in considering this proposal.

3. The first issue is whether the two recent Comptroller General decisions (B-168096 of 9 February 1970 and B-168946 of 26 February 1970) would allow for rental of parking space for employees by separate contract for office space being occupied by those employees. The GSA order PBS 7030.2B of 18 April 1968, Subject: Vehicle Parking Facilities, states at paragraph 10: "...under certain conditions and circumstances, parking may be leased by GSA in connection with the leasing of space to be assigned to Federal agencies." However, the 9 February decision does not so limit the authority of GSA to procure parking space to situations where it is contracting for office space and is simply adding this cost to the contract. Therefore, we would perceive no legal objection to approaching GSA to lease parking facilities both within and outside the buildings in which space is being rented for Agency use in order to accommodate employee vehicles, provided the other criteria for paragraph 10 of the GSA Order cited above are present.

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SUBJECT: Government-Provided Employee Parking

particular location, and thus avoid a significant impairment of the operating efficiency of the agency or agencies, parking spaces for vehicles of employees used to provide transportation to and from the place of work may be furnished by the Government. . . . " Section 2, paragraph (a)(1) of Executive Order 11035 states that "Primary consideration shall be given to the efficient performance of the missions and programs of the executive agencies, with due regard for the convenience of the public served and the maintenance and improvement of the working conditions of employees. "

4. In summary, these two decisions provide, through the GSA leasing authority mechanism, the means to afford parking spaces, to the extent physically possible, for Government employees assigned to work in federally leased properties. Accordingly, the Office of Logistics has re-examined the employee parking problem to (1) determine that justifications supporting the contention that employees should be provided with Government-furnished parking spaces are valid; (2) evaluate all available evidence in order to realistically estimate the maximum cost to the Agency for such a program; and (3) initiate an in-depth study for the purpose of developing the criteria and the plans required to implement the program.

5. In assessing the parking problem, consideration has been given to the entire Metropolitan Washington area (MWA). Of all areas surveyed, only the Rosslyn, Virginia, complex has parking problems of a nature serious enough to warrant positive remedial action. In Rosslyn, the situation is acute with respect to the number of employees, the paucity of parking facilities, and the cost to individuals paying out-of-pocket for commercial parking. Percentage tables, based on recent parking studies, indicate that 53 percent, or [] Agency employees in Rosslyn pay an average of \$22 per month each for parking privileges within buildings where spaces are provided or on commercial lots. There are [] parking spaces in the Ames, Key, and Magazine Buildings occupied by Agency personnel, not including spaces designated for official use, and those committed by building landlords to other than Agency tenants. The balance of [] employees park on various commercial lots or in other buildings.

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SUBJECT: Government-Provided Employee Parking

d. Develop an Agency implementing plan for assignment of parking spaces with a formula to ensure equitable distribution. This Office is undertaking the development of such a plan.

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John F. Blake
Director of Logistics

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SUBJECT: Government-Provided Employee Parking

7. The parking surveys on record prove that the parking situation in Rosslyn is aggravated by the costs which range from \$20 (\$15 for a roof-top space) in the Ames Building and \$25 per month in the Key Building, to \$25 and \$30 in the Magazine Building. In general, monthly parking fees in the Rosslyn Buildings have increased from 25 to 50 percent since the date of occupancy by the Agency. Extremely limited on-the-street parking is still available in some nearby areas, but the gradually increasing number of parking meters being installed by Arlington County together with the growing work population, both serve to reduce the number of street spaces accessible to Agency employees. The scarcity of interior building spaces and commercial lot parking is also a critical factor, especially since lot spaces can no longer be obtained at "reduced" monthly rates, the fees being assessed on a daily basis of \$1.50 per day for block parking.

8. In light of the foregoing and considering the inequities involved and the factor of employee morale, the following courses of action are suggested:

a. Establish an Agency policy to provide Rosslyn employees with Government-furnished parking, and to develop a legal mechanism for appropriately reimbursing those affected employees for out-of-pocket expenses in those cases where they are assigned to work under circumstances which preclude their being sponsored by this Agency for parking spaces in a federally owned or leased building.

b. Identify funds in the amount of [] that can be made available to underwrite Government-furnished parking for Agency employees in the Rosslyn area beginning with Fiscal Year 1971, with a supplementary provision for an additional [] per month for any remaining months in the Fiscal Year 1970 that new leasing arrangements could, time permitting, cover effectively.

c. Prepare a letter on behalf of the Director of Central Intelligence addressed to the Administrator of General Services advising that a determination has been made by the Agency that Government-furnished parking for certain of its employees is fully justified. Further, request GSA to take such action as may be necessary to (1) immediately lease all parking spaces available in the Ames, Key, and Magazine Building complex, and (2) lease other parking facilities as may be available in the Rosslyn area to satisfy the Agency's requirements for the additional [] spaces, with the provision that all spaces be re-assigned to the Agency.

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SUBJECT: Government-Provided Employee Parking

d. Develop an Agency implementing plan for assignment of parking spaces with a formula to ensure equitable distribution. This Office is undertaking the development of such a plan.

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4. The criteria set forth in paragraph 10 of the Order appear to be mutually exclusive within subparagraphs (copy attached). Ignoring subparagraphs a & b, subparagraph c appears to lend the best support for providing parking in Rosslyn and other areas. After addressing itself to avoidance of "a significant impairment of the operating efficiency of the agency" and the need for employing and retaining personnel to perform work at that location, it sets forth factors to be considered such as: hours of employment, adequacy and cost of public transportation, location of facility in relation to residences of employees, amount of on-street parking, cost of off-street parking, and the safety of employees using public transportation. The 26 February opinion allowed the Navy Department to use funds appropriated for leased space in the Rosslyn area for parking provided the above criteria were met.

5. The 26 February opinion distinguishes an earlier GAO opinion disallowing the Coast Guard authority to lease property and prepare it for a parking lot. The Comptroller General states:

"Legally there was not considered in that case the leasing authority of the General Services Administration under the Federal Properties and Administrative Services Act."

Thus, the authority for leasing parking space is limited to that given to GSA by statute. Although this presents no problem with regard to the Rosslyn area, it could complicate reimbursement for parking in areas where employees are under unofficial cover. We would perceive no legal objection in these isolated cases of utilizing the Director's authority to allow the cover organization to negotiate directly for space. In small units where even this is not practical, the employee himself could contract for parking personally for reimbursement by the Agency.


Assistant General Counsel

Attachments

cc: 

OGC:JBU:bg

Distribution:

Orig & 1 - Addressee

✓ 1 - Subject - PARKING, EMPLOYEES

1 - JBU Signer

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27 March 1970

MEMORANDUM FOR: Mr. Houston

SUBJECT: Employee Parking

1. Attached are Comptroller General Opinions of 9 February 1970 to Department of Transportation and 26 February 1970 to Secretary of the Navy, together with Executive Order 11035 and General Services Administration Order PBS 7030.2B. The latter two documents are used as a basis for the Comptroller General in allowing parking to be paid for employees by the individual agency (reimbursing GSA) if funds are available and the proper determination is made.

2. The first opinion opens the door and steps around an old Comptroller General decision which was formerly used to deny payment for employee parking. The second opinion, very brief, cites the first one and is important because it pertains to Navy moving out of Constitution Avenue and over to rented space in Arlington.

3. Jack Blake and I feel this is a matter for the DDS. The Office of Logistics has had three go-rounds without encouragement from the Executive Director-Comptroller or the DDS. The last yeoman effort was by a group of which was counsel. We suggest he or you, or both, refer this matter to the DDS.

4. I talked to Harry Van Cleve, GSA Regional Counsel to Region 3, who feels the matter is rather "wide open" for each agency at this point.

Attachments



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13 APR 1970

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Government-Provided Employee Parking

REFERENCES : (a) Memo dtd 20 Apr 67 to DD/S fr D/L, subj: Employee Parking w/attached report

(b) Report of the Committee on Employee Parking dtd 16 May 1969

(c) Memo dtd 19 Aug 69 to DD/S fr D/Pers, subj: Rosslyn Parking Survey w/attached reports

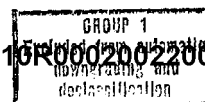
(d) Memo dtd 11 Aug 69 to DD/S fr D/L, subj: Department of Transportation Parking Plan

1. This memorandum is for your information only. Suggested courses of action for Agency implementation are presented for your consideration in paragraph 8.

2. A solution to the Agency employee parking problem has been made possible by the Comptroller General Letter B-168096 dated 9 February 1970 addressed to the Secretary of Transportation (Attachment 1), and Comptroller General Letter B-168946 dated 26 February 1970 to the Secretary of the Navy (Attachment 2). Both of these decisions specifically approve the use of an Agency's appropriated funds to pay for parking facilities in federally owned or leased space (buildings), where it is intended that such parking facilities are to be allocated to Government employees on a nonreimbursable basis. They also make reference to the leasing authority of the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended [40 U. S. C. 471, 490(h)(1)], and the Reorganization Plan No. 18 of 1950 (64 Stat. 1270; 40 U. S. C. 490 note).

3. Particular references are also made to GSA Order PBS 7030.2B, 18 April 1968, which promulgates the criteria for the planning and allocating of parking facilities, and to "...Executive Order No. 11035, 9 July 1962, setting forth the guiding policies for the management of federally owned and leased office space...." For our purposes, paragraph 10c of the GSA Order PBS 7030.2B contains the advice critical to Agency needs. This paragraph states that parking facilities may be leased by GSA "...Where it is determined that in order to employ and retain personnel to perform the work of the agency or agencies at a

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rendered August 5, 1963, to the Secretary of the Treasury. That decision considered the question of whether the Commandant of the Coast Guard, under his authority to equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments (14 U.S.C. 93(j)), may lease a plot of land adjacent to the Coast Guard Base at Mobile, Alabama, and expend appropriated funds to prepare the land for use as an employee parking lot. In justification for the proposed use of appropriated funds it was explained that the Base was located in a badly deteriorated former commercial area without adequate public transportation and having virtually no parking space on or off nearby streets. The total personnel involved was 181, only a part of which was permanently assigned to the Base, and the number of vehicles to be accommodated each day ranged from 85 to 100 which had to be parked in a wide area around the Base. We held in that case the record did not establish the proposed parking lot was essential to the operation or maintenance of the Base so as to warrant the use of appropriated funds for a purpose that ordinarily was considered the responsibility of the individual, the parking of his private vehicle.

We consider the decision of 1963 to have little relevance to the present situation. Factually, the earlier case turned primarily on the record presented. There is little if any similarity between the two cases except that they involve the growing urban problem of motor vehicle parking. Legally there was not considered in that case the leasing authority of the General Services Administration under the Federal Property and Administrative Services Act.

The position is advanced in a memorandum dated June 21, 1968, of the then General Counsel of the Department of Transportation and concurred in by the present General Counsel, a copy of which was forwarded with your letter, that in determining the space requirements of an agency, and whether employee parking facilities are to be provided, the policies for the assignment of office buildings and space prescribed in Executive Order 11035, July 9, 1962, issued pursuant to the Federal Property and Administrative Services Act, are controlling. The memorandum stated in part:

"The policies and directives governing the exercise of the Administrator's authority were prescribed by the President in Executive Order No. 11035 (27 F.R. 6519). The Executive Order requires, among other things, that the Administrator be guided, as a primary consideration, by the need for the efficient performance of the agencies' missions and programs 'with due regard for the. . .

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maintenance and improvement of the working conditions of employees.' In addition, the order requires that the Administrator be guided by the need to provide Government employees with 'safe, healthful, and convenient conditions of employment.'"

While we consider the position of the General Councils to have merit, we need not pursue the matter as we find the General Services Administration has in effect implemented the general policies of the Executive order with respect to parking facilities for vehicles of employees. GSA Order PBS 7030.2B, April 18, 1968. The order states that such parking facilities may be leased by GSA in connection with the leasing of space to be assigned to Federal agencies--

Where it is determined that in order to employ and retain personnel to perform the work of the agency or agencies at a particular location, and thus avoid a significant impairment of the operating efficiency of the agency or agencies, parking spaces for vehicles of employees used to provide transportation to and from the place of work may be furnished by the Government.
* * *." (Par. 10c.)

The order goes on to list the factors to be considered in making the necessary determination.

You are advised, with respect to the question under consideration, that if a determination is made that the situation involved in the leasing of the Nassif Building is such as to warrant the leasing of parking facilities for vehicles of employees under paragraph 10c of GSA Order PBS 7030.2B, we perceive no objection to the use of the appropriations of the Department of Transportation for that purpose as is used to reimburse GSA for the rental of the Nassif Building. See 40 U.S.C. 34. Cf. 45 Comp. Gen. 27 (1965).

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States

The Honorable
The Secretary of Transportation



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B-168946

February 26, 1970

Dear Mr. Secretary:

This is in response to a letter dated January 30, 1970, of the Honorable Frank Sanders, Assistant Secretary of the Navy, concerning the use of appropriated funds to provide space for the parking of the vehicles of personnel in leased buildings. Such use of appropriated funds is contemplated in connection with the necessary relocation of a number of Navy Department activities from the Main Navy and Munitions Buildings, Washington, D. C., to privately owned buildings located in Arlington County, Virginia, adjacent to the District of Columbia.

The question presented, of providing for personnel parking in a leased building, is essentially that considered in a recent decision of February 9, 1970, to the Secretary of Transportation (B-168096). As in that case, there is here involved the leasing authority of the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 171, 490(h) (1)), and the Reorganization Plan No. 18 of 1950 (64 Stat. 1270; 40 U.S.C. 490 note). The position taken in that case is considered to be generally applicable herein.

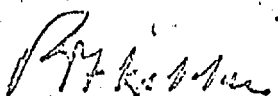
Accordingly, you are advised that if a determination is made that the situation with respect to any of the leased buildings warrants the procurement of space for personnel parking (see, generally, Executive Order No. 11035, July 9, 1962, setting forth the guiding policies for the management of federally owned and leased office space, and more particularly GSA Order PBS 7030.2B, April 18, 1968, promulgating criteria for the planning and allocating of parking facilities), we perceive no objection to the use for that purpose of the appropriations of the Department of the Navy as shall otherwise be used to reimburse the General Services Administration for leased space.

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B-168946

A copy of this opinion is being forwarded to the Administrator of General Services.

Sincerely yours,


Assistant

Comptroller General
of the United States

Enclosure

The Honorable
The Secretary of the Navy

GENERAL

OFFICE OF THE SECRETARY
GENERAL INVESTIGATIVE
DIVISION

PBS 7030.2B
April 18, 1968

GSA ORDER

SUBJECT: Vehicle parking facilities

1. Purpose. This order promulgates criteria for planning and allocating parking facilities.

2. Cancellation. PBS 7030.2A is canceled.

3. Policy. The GSA Policy Manual, 4-12b(3) (ADM P 1000.2), provides that "Parking for Government-owned vehicles, visitors, and employees will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality."

4. Establishment of facilities. Vehicle parking facilities to provide for the needs of Federal agencies will be established in and around existing Government-owned properties under the custody and control of GSA. To the extent funds are not available therefor, such requirements as are identified will be programed in GSA's annual estimate of appropriation.

5. Vehicles to be provided facilities. Parking facilities shall be allocated in the following order of priority:

a. Postal maneuvering area, and postal vehicle parking at buildings containing Post Office mail operations.

b. Vehicles of patrons and visitors and service vehicles.

c. Government-owned vehicles used for criminal apprehension law enforcement activities.

d. Privately owned vehicles of Federal judges, Members of Congress and occupant agency heads. (Limited to the individuals and does not include members of their staffs.)

e. Official parking. (Other than a and c above.)

(1) Net requirements of motor pool dispatch vehicles, which is an amount less than the total number of vehicles assigned to dispatch service of the pool. The ratio of space to be provided will vary between approximately 60 percent and 80 percent of the total number of dispatch

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vehicles assigned to the motor pool, depending on the nature of the pool operation. (Physically handicapped Government employees, and Members of Congress who use their offices on an infrequent basis, may be permitted to park their vehicles in the area set aside for motor pool dispatch vehicles.)

(2) Government-owned vehicles in regular use for official business.

(3) Privately owned vehicles used regularly for official business, i.e., 12 or more work days per month.

f. Employee parking for privately owned vehicles which are not used regularly on official business.

6. Planning for new construction, extensions, and conversions. The planning for the provision of parking requires a specific study of each project to identify all factors which have a bearing on the amount of parking required. Parking is provided under a variety of circumstances and for many different purposes, as indicated in par. 5, above. Factors which have a bearing on the amount of space required include: the total need for parking as developed from criteria in this order; local zoning and parking regulations (including local practices); availability of public and privately owned parking facilities and adequacy of public transportation.

a. Vehicle parking in and around existing Government-owned properties will be planned on an individual case basis, with primary emphasis on the maximum benefits to the Government to the extent that funds will be available or appropriated therefor.

b. Community plans, project proposals, and draft prospectuses submitted to the Central Office shall be accompanied with vehicle parking plans and a parking survey in support thereof.

7. Parking survey. Parking surveys may vary in complexity from a simple accumulation of the various needs for parking to a detailed analysis of employee driving habits, availability of on- and off-street parking, cost of private parking, and other pertinent factors. The parking data to be furnished with each plan shall cover the specific considerations applicable to the case. The parking recommendation shall be supported by factual data. The back-up data should show sources of information. For example, the determination of the number of off-street parking spaces should be based on a survey and count, and the information on employee parking needs shall be the result of a survey of employee driving habits.

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April 18, 1968

PBS 7030.2B

OFFICE OF
PLANNING
AND
CONSTRUCTION

8. Guidelines.

a. General. Local ordinances and other requirements for off-street parking, as well as local practices, the availability of on- and off-street parking, and the congestion of traffic in the area, shall be given maximum consideration in the planning of facilities to be included in connection with new construction, major extensions, or remodeling.

b. Official vehicles.

(1) Planning for parking facilities for Government-owned vehicles shall include the parking requirements of interagency motor pools in addition to parking for other Federal vehicles associated with the building or locality. The nature of the activities of the agencies housed in the building will affect the requirements for official vehicle parking.

(2) Motor pool dispatch vehicles shall be located at or adjacent to the building housing the greatest number of potential motor pool dispatch service users in the community. The regional staff of PBS and TCS shall collaborate in determining the total motor pool space requirements. In planning motor pool layouts in new Federal office buildings or on nearby sites, it is necessary to include adequate space for an office, storage of parts and supplies, inspection, lubrication, servicing and washing as well as the required parking area. These activities will be located in the building, on the site, or as near thereto as possible. In every instance, the determination as to whether to locate motor pools on the project site or at another location shall be supported by a cost/benefit analysis. The total demand for parking, (including employees and visitors) shall be considered in this analysis.

(3) Gasoline pumps, gasoline storage tanks, or the dispensing of gasoline to motor vehicles will not be permitted in Federal office buildings not presently so equipped.

(4) Storage of motor pool vehicles awaiting disposal and/or assignment shall be located away from a downtown Federal building or site unless the space available will permit such storage without excluding any other needed classes of parking.

(5) Outside storage of motor pool vehicles is acceptable except in locations having:

(a) Atmospheric conditions causing vehicle deterioration (salt and other chemicals in atmosphere).

(b) Extremely low temperatures (mean temperature of minus 10° F or lower for 30 days). Outside storage is permissible in low temperature areas when suitable electrical outlets are provided for engine heaters.

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PBS 7030.2B

GENERAL BOARD OF NATIONAL DEFENSE
OFFICE OF INFORMATION
RECORDS LIBRARY

April 18, 1968

c. Service vehicles. Included in this category are small trucks or cars which call at the building for the purpose of delivering or picking up material which requires the driver to leave the vehicle and enter the building. The need for an amount of service parking will depend on factors such as:

- (1) Availability of loading platforms for all building occupants.
- (2) Availability of vacant official parking spaces during the normal delivery or pick up hours.
- (3) Congestion of traffic in the area of building.
- (4) Existence of a limited parking zone on the street adjacent to the building.

d. Patron and visitor parking.

(1) Parking facilities for patron's vehicles vary somewhat with the nature of the business conducted by agencies housed in the building or buildings. Existing zoning requirements in regard to patron parking must also be considered and generally should be adhered to in providing such parking.

(2) The need for visitor or patron parking where the Post Office Department is involved is established by POD criteria.

(3) Visitor or patron parking needs of agencies other than POD should be ascertained by survey and should reflect "needs," not "wishes."

e. Employee parking.

(1) Parking facilities for employees should be located within 3 or 4 blocks of the building.

(2) For the purpose of determining employee parking requirements, major cities shall be divided into a "core area" (central employment area), a "ring area" surrounding it, and an "outer ring" consisting of the contiguous area extending into the suburbs. The parking needs for a building will vary depending on whether the building is in the core, ring, or outer ring area.

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April 18, 1968

OFFICE OF REGISTRATION
REGIONAL LIBRARY

PBS 7030.2B

(3) Consideration shall be given to the following factors in developing the need for employee parking:

(a) The availability and capability of public transportation will have a significant effect upon the need. Studies indicate that in large cities like New York and Chicago with high speed transit systems, between 80 and 90 percent of the employees use public transportation. In smaller cities without adequate transit systems most employees use automobile transportation. This ratio must be determined from local transit authorities or by a study of the modes of transportation that will most probably be used by the employees who will occupy the building.

(b) The average number of persons per automobile will also vary and must be determined. As a general rule this figure will be about 1.4 persons per car.

(c) In the core area of any city where the availability and capability of public transportation is good and there are sufficient off-street commercial parking facilities, only a limited number of spaces can be justified for Federal employees and official visitors to the building.

(d) Parking for employees shall be provided to the extent feasible particularly when public transportation and off-street parking facilities are inadequate in the core area of any city and there is no immediate plan for improvement. The number to be provided shall be established on the basis of the various criteria and guidelines mentioned herein, first computing the total need and then modifying the figures by a percentage of the off-street parking available within three to four blocks of the building (both public and privately operated). Further consideration shall be given to the availability of "on-street" parking and the congestion of traffic in the area. In the core area the ratio of parking spaces to employees will range between 1 space for every 8 employees and 1 space for every 4 employees. The ratio selected by the region must be justified and the reasons for the selection stated in the parking survey.

(e) The factors outlined in (d), above, for determining the required facilities in the core area are also applicable to the ring area or outer ring of every major city. In the ring area parking facilities will be provided on a basis which will range between 1 space for every 5 building occupants and 1 space for every 3 occupants. In the outer ring, the ratio will range between 1:3 and 1:1½ spaces for occupants.

(f) Careful consideration shall be given to the fact that it is not the intention of the Government to compete with privately owned parking facilities but rather to provide a reasonable amount of parking and thus be a "good neighbor."

PBS 7030.2B

April 18, 1968

9. Parking facilities for leased buildings.

a. In general the procedures prescribed in this order for determining the number of parking spaces needed for Government-owned buildings shall also be followed in determining the need for parking spaces at leased buildings. Parking needs for Government-owned vehicles and employees' vehicles to be used on official business shall be specified in each Invitation for Bids or Solicitation for Offers for the leasing of office, storage, and related space.

b. Except in those instances where an advance determination can be made under par. 10c of this order that the Government may lease space for the parking of Federal employees' vehicles which will not be used for official business, each Invitation for Bids and Solicitation for Offers for the leasing of office, storage, or related space shall ask for alternate proposals with and without a specified number of parking spaces for such vehicles.

10. Authority of GSA to lease parking facilities for vehicles of employees. Generally, GSA does not have authority to lease parking facilities for Federal employees. However, under certain conditions and circumstances, parking may be leased by GSA in connection with the leasing of space to be assigned to Federal agencies. Some of the conditions under which parking may be leased by GSA and furnished employees are as follows:

a. Where an analysis of alternate offers received from a prospective lessor in response to an Invitation for Bids or a Solicitation for Offers shows that the amount of the offer including the specified employee parking is not greater than the offer without parking.

b. Where local ordinances or zoning laws require a building owner to provide off-street parking for tenants and visitors to the building, and such ordinances or laws require, in effect, that the cost of parking be included in the rental for the office space.

c. Where it is determined that in order to employ and retain personnel to perform the work of the agency or agencies at a particular location, and thus avoid a significant impairment of the operating efficiency of the agency or agencies, parking spaces for vehicles of employees used to provide transportation to and from the place of work may be furnished by the Government. Factors to be considered in making this determination are as follows:

(1) Daily hours of employment, including amount and time of any overtime operations, number of employees on duty during such overtime work, and adequacy of public transportation during regular hours and hours of overtime work.

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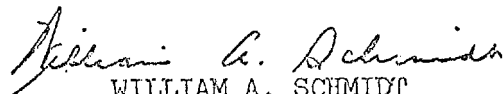
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PBS 7030.2B April 18, 1968

authority of section 211(b) of the Federal Property and Administrative Services Act of 1949, as amended.

b. Assignment of parking spaces to agencies for employee use should be on the basis of the ratio of total agency personnel to the total personnel occupancy of a building. Assignment of areas will be made to agencies which shall administer such areas for parking purposes.

13. Existing parking. This order does not require the immediate adjustment of existing parking arrangements. However, all future planning and adjustments shall be in accordance with the procedures and guides described above.


WILLIAM A. SCHMIDT
Commissioner, Public Buildings Service

E. O. 11035

Title 3--The President

E. O. 11035

and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 9. *Definition.* As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 10. *References to orders and acts.* Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

SEC. 11. *Prior directives and actions.* (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962.

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 F.R. 101-103).

SEC. 12. *Effective date.* The provisions of this order shall be effective immediately.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 25, 1962.

Executive Order 11035

MANAGEMENT OF FEDERAL OFFICE SPACE

By virtue of the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Administrator of General Services (hereinafter referred as the Administrator) shall initiate and maintain plans and programs for the effective and efficient acquisition and utilization of Federally-owned and leased office space located in the states of the United States or in the District of Columbia or in Puerto Rico (hereinafter termed "in the United States"). The Administrator shall prepare and issue standards and criteria for the use of such office space and shall periodically undertake surveys of space requirements

and space utilization in the executive agencies and initiate actions and formulate programs to meet the essential office space requirements of executive agencies. In carrying out these functions, the Administrator shall (a) coordinate proposed programs and plans for office buildings and space with the Bureau of the Budget, (b) obtain from the Civil Service Commission and the Office of Emergency Planning any information in the possession of those agencies which may bear upon such programs and plans, (c) take steps to relate programs for Federal office space to urban and metropolitan area planning and redevelopment objectives, (d) seek the cooperation of the heads of the executive agencies concerned with any of the foregoing, and (e) annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

SEC. 2. In carrying out the provisions of Section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(e)):

(a) The Administrator, and the heads of executive agencies, shall be guided by the following policies for the assignment, reassignment, and utilization of office buildings and space in the United States:

(1) Primary consideration shall be given to the efficient performance of the missions and programs of the executive agencies, with due regard for the convenience of the public served and the maintenance and improvement of the working conditions of employees;

(2) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(3) Suitable privately-owned space shall be acquired only when satisfactory Government-owned space is not available, and only at rental charges which are consistent with prevailing scales in the community for comparable facilities;

(4) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration;

(5) The quality of office space for Government operations shall be appropriate for the efficient and economical performance of governmental activities, while affording employees safe, healthful, and convenient conditions of employment.

(b) The Administrator shall assign and reassign office space in the United States upon his determination that such assignment or reassignment will serve to improve the management and administration of governmental activities and services, and will foster economy and efficiency. Prior to making such determinations, the Administrator shall consult with the heads of the executive agencies concerned and take fully into account their requirements, consistent with his responsibilities. In the event that a head of an agency deems space assigned or reassigned to his agency to be unsuitable, and the agency head and the Administrator are unable to resolve the matter, the former, as promptly as may be practicable and in no event later than

the effective date of the Administrator's assignment or reassignment, may make a written report thereof, including information and views pertinent thereto, to the President or to the Director of the Bureau of the Budget.

Sec. 3. The heads of executive agencies shall (a) cooperate with and assist the Administrator in carrying out his responsibilities respecting office buildings and space, (b) take measures to give the Administrator early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

Sec. 4. The provisions of this order shall be subject to applicable provisions of law (including applicable provisions of any reorganization plan).

Sec. 5. To the extent that it pertains to office space and buildings, the letter of the President to the Administrator, General Services Administration, dated August 31, 1960, is hereby superseded.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 9, 1962.

Executive Order 11036

ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10900 of January 5, 1961, as amended, be, and it is hereby, further amended as follows:

(1) By substituting for Section 4(a) the following:

"Sec. 4. *Foreign currencies.* (a) (1) Foreign currencies which accrue under Title I of the Act may be used for the purposes set forth in Section 104 of the Act in amounts consonant with applicable provisions of law and of sales agreements and loan agreements. Except as may be inconsistent with such law or agreements, priority shall be accorded to the sale of such currencies to appropriations or to their sale otherwise for dollars. To such extent as he may deem necessary, the Director of the Bureau of the Budget shall fix the amounts of such currencies to be used for the purposes set forth in Section 104. The Director shall notify the Secretary of the Treasury with respect to any amounts so fixed.

"(2) The function conferred upon the President by the penultimate proviso of Section 104 of the Act of waiving the applicability of Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), is hereby delegated to the Secretary of State in respect of Section 104(e) of the Act and to the Director of the Bureau of the Budget in all other respects."

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